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When Memory Speaks: Remembrance and Revenge in *Unforgiven*[†]

AUSTIN SARAT*

But he also wondered about himself, that he cannot learn to forget but always remains attached to the past: however far and fast he runs, the chain runs with him. It is astonishing: the moment, here in a wink, gone in a wink, nothing before and nothing after, returns nevertheless as a specter to disturb the calm of a later moment. Again and again a page loosens in the scroll of time, drops out, and flutters away—and suddenly flutters back again into a man's lap. Then man says "I remember" and envies the animal which immediately forgets and sees each moment really die, sink back into deep night extinguished for ever.¹

To articulate the past historically does not mean to recognize it "the way it really was." It means to seize hold of memory as it flashes up at a moment of danger . . . Only that historian will have the gift of fanning the spark of hope in the past who is firmly convinced that even the dead will not be safe from the enemy if he wins.²

INTRODUCTION

What is the role of memory in vengeance and the violence it entails? What are the relationships among past, present, and future that vengeance creates? How are narrative connections made between those who are injured and those who use violence to reply to injuries? Do certain kinds of memories sustain vengeance while others diminish it?

In the typical revenge story the answers to these questions seem straightforward: injury demands redress and when redress is not forthcoming injuries should not be forgotten.³ Victims seek both to remember but also to obliterate memory, to attend to the past and yet to make a different recollection. Memory is for victims a source of pain; the past constitutes the true victimization.⁴ They seek to rectify the past, to

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1. FRIEDRICH NIETZSCHE, *THE USE AND ABUSE OF HISTORY* 8-9 (Adrian Collins trans., 2d rev. ed. 1957).

2. WALTER BENJAMIN, *Theses on the Philosophy of History*, in *ILLUMINATIONS* 255 (Hannah Arendt ed., Harry Zohn trans., 1968).

3. See JOHN KERRIGAN, *REVENGE TRAGEDY FROM AESCHYLUS TO ARMAGEDDON* (1996).

4. Pierre Nora, *Between Memory and History: Les Lieux de Memoire*, 26 *REPRESENTATIONS* 16 (1989).

In the last analysis, it is upon the individual and upon the individual alone that the constraint of memory weighs insistently as well as imperceptibly. The

placate memory by silencing the ghosts whose constant call is for vengeance. They hope that a new memory, the memory of a blood-letting punishment, "can be substituted for the shameful memory of the evil deed that one was powerless to prevent."⁵

For those who advocate conceptions of justice that are not based on vengeance, memory is also an important resource.⁶ Jacques Derrida, for example, insists on the connection of memory and justice when he says, "No justice . . . seems possible or thinkable without the principle of some *responsibility*, beyond all living present . . . before the ghosts of those who are not yet born or who are already dead . . ."⁷ In Derrida's view, doing justice requires that we remember the future as well as the past, that we keep before us the specters of both.⁸

Yet, the links between memory and justice are more troubled and troubling than can be captured in this simple admonition. This is because vengeance expresses "a wish to change the world and right the past, to be seen and counted in a private and ultimately a public conversion of memory, to reassign guilt and to end that unending memory of horror that is, says Aeschylus, 'a relentless anguish gnawing at the heart.'"⁹ This "wish to change the world" and the "relentless anguish" that is revenge have long been the objects of critique in legal and political thought.¹⁰

atomization of a general memory into a private one has given the obligation to remember a power of internal coercion . . . [W]hen memory is no longer everywhere, it will not be anywhere unless one takes the responsibility to recapture it through individual means.

Id.

5. Terry K. Aladjem, *Vengeance & Democratic Justice: American Culture and the Limits of Punishment* 25 (1992) (unpublished manuscript, on file with the *Indiana Law Journal*).

6. Minow notes, "To seek a path between vengeance and forgiveness is also to seek a route between too much memory and too much forgetting." MARTHA MINOW, *BETWEEN VENGEANCE AND FORGIVENESS: FACING HISTORY AFTER GENOCIDE AND MASS VIOLENCE* 118 (1998).

7. JACQUES DERRIDA, *SPECTERS OF MARX: THE STATE OF DEBT, THE WORK OF MOURNING, AND THE NEW INTERNATIONAL* xix (Peggy Kamuf trans., Routledge 1994) (emphasis in original).

8. As Valverde puts it, for Derrida, "[m]emory, both personal and collective, is essential for the work of justice, and therefore ghosts, as the intermediaries between the dead and the living, are the key figures of justice, the heralds, if you will, of a justice that can never present itself." Mariana Valverde, *Derrida's Justice and Foucault's Freedom: Ethics, History, and Social Movements*, 24 *LAW & SOC. INQUIRY* 655, 662 (1999). On the importance of remembering the future as well as the past, see Drucilla Cornell, *Post-Structuralism, the Ethical Relation, and the Law*, 9 *CARDOZO L. REV.* 1587 (1988).

9. Aladjem, *supra* note 5, at 26.

10. In their unceasing efforts to overcome id with superego and to construct a legitimating ideology, modern legal orders seek to substitute the calm calculation of deterrence, the empathetic understanding of rehabilitation, and the stern, but controlled, discipline of retribution for the emotionalism of revenge. See MARVIN HENBERG, *RETRIBUTION: EVIL FOR EVIL IN ETHICS, LAW, AND LITERATURE* (1990); see also Michael Davis, *Harm and Retribution*, in *PUNISHMENT* 188 (A. John Simmons et al. eds., 1995). Justice becomes public and the voice of the victim, or the vengeful anger of the victim's kin or champion, is merged with the distanced state bureaucracy which speaks for "The People" against whom all offenses to the

"The official antivengeance discourse," William Miller notes, "has a long history even preceding the Stoics, taken up and elaborated by medieval churchmen and later by the architects of state building. . . . Revenge still plays the role of *eminence grise*, the defining Other, classic texts of liberal moral and political philosophy."¹¹

Those who pursue vengeance seem like troublemakers, malcontents, people unwilling to let go of a painful past.¹² Moreover, the vengeance they seek is akin to hatred. It is a defiant and "sinful" unwillingness to forget injuries and forgive those who injure us.¹³ It is "crazed, uncontrolled, subjective, individual, admitting no reason, no rule of limitation Conventional wisdom conceives of vengeance cultures as barely cultured at all, all id and no superego: big dumb brutes looking for excuses to kill."¹⁴ Modern legality is founded on the belief that revenge can and must be repressed, that legal punishment can be founded on reason, that due process can discipline passion, and that these categories are both knowable and distinct. Retribution, with its advertised virtues of measured proportionality, cool detachment, and consistency is contrasted with vengeance—the voice of the other, the primitive, the savage call of unreason, a "wildness" inside the house of law which, by nature, will not succumb to rational forms of justice.¹⁵

criminal law are said to be directed. See Lawrence Becker, *Criminal Attempt and the Theory of the Law of Crimes* 3 PHIL. & PUB. AFF. 262 (1974).

11. William Ian Miller, *Clint Eastwood and Equity: The Virtues of Revenge and the Shortcomings of Law in Popular Culture*, in LAW AND THE DOMAINS OF CULTURE 161, 161-62 (Austin Sarat & Thomas Kearns eds., 1998).

12. "Such people are disturbers of the peace; we wish they would take their memories away to a church, a cemetery, a psychotherapist's office and allow us to return justice and vengeance to the separate compartments they supposedly occupy in twentieth-century life." SUSAN JACOBY, *WILD JUSTICE: THE EVOLUTION OF REVENGE* 2 (1983); see also FRANCIS BACON, *Of Revenge*, in SELECTED WRITINGS (Modern Library 1955) (1857-74).

13. See Jeffrie Murphy, *Getting Even: The Role of the Victim*, 7 SOC. PHIL. & POL. 216 (1990); see also JEFFRIE MURPHY & JEAN HAMPTON, *FORGIVENESS AND MERCY* (1998); ST. AUGUSTINE, *THE WRITINGS OF ST. AUGUSTINE* 168-69 (New York, Fathers of the Church 1947) (n.d.).

14. Miller, *supra* note 11, at 162-65.

15. "Insofar as humanly possible . . . law attempts to remove personal animus from the process of apportioning blame and exacting retribution. It is the removal of personal animus . . . that distinguishes the rule of law from the rule of passion." JACOBY, *supra* note 12, at 115. In addition, as Aladjem observes:

This inclination to make revenge over into a rational principle of justice has roots in democratic theory and in certain suppositions of natural law. It arose in claims about the founding of the state, where it was said that a process of consent converts the laws of nature into those of civil society and that the state acquires its right to punish from consenting individuals who thereby relinquish a natural right to avenge themselves. From the beginning, however, that reasoning presents a paradox: the state is supposed to arise from the inclinations of individuals as they might be found in nature, but it must rescue them from the very same inclinations.

....

... [A] vengeful "natural man" turns to the state as a place of appeal from the injustices of nature *and* from the excesses of his own revenge.

Vengeance must be kept at bay, so the argument goes, because it represents an unwarranted concession to an anger and passion that knows no limits.¹⁶ Yet vengeance is never fully and finally purged from a system of legal justice. It persists because the dispassion of legal justice is, for many, a frustrating and inadequate response to grievous injury.¹⁷ Revenge is an urge lurking in the shadows, whose presence, at least in liberal theory, provides one reason for the founding of the modern state, and whose continuing force fuels the apparatus of punishment itself.¹⁸ Revenge can be renamed, but not extinguished. It can be repressed, but neither denied nor forgotten.

Martha Minow's "Memory and Hate: Are There Lessons From Around the World?" reminds us of the persistence of revenge and the role of memory in the constitution of vengeance.¹⁹ Minow suggests that memory, whether the memory of vengeance latent in all legal systems or the memory that calls for revenge, is constructed out of "bits of information selected and arranged in light of prior narratives and current expectations, needs and beliefs."²⁰ Memories are made and marketed by persons and groups with distinct political agendas. They associate vengeance with honor, arousing vengeful violence by glorifying and/or romanticizing it.

But unremediated injury does not automatically call for vengeance or become the stuff of a vengeance seeking memory. Memory may be made to play other roles, constraining if not obliterating vengeful impulses. Some ways of remembering bring about change; others do not. Some keep alive horror; others do not. Some fuel vengeful violence; others do not.

Minow calls on those interested in understanding vengeance and the violence it so often entails to attend to the complex, paradoxical, frequently contradictory role that memory plays, sometimes prompting a quest for revenge that seems insatiable, sometimes quelling it.²¹ Taking up Minow's call means turning from the disciplined

Terry Aladjem, *Revenge and Consent* 9, 16 (1990) (unpublished manuscript, on file with the *Indiana Law Journal*) (emphasis in original).

16. For a discussion of the role of emotion in punishment, see Samuel Pillsbury, *Emotional Justice: Moralizing the Passions of Criminal Punishment*, 74 CORNELL L. REV. 655 (1989). As Connolly puts it, "[o]nce revenge infiltrates the call to punish, this eminently deniable drive can expand indefinitely." WILLIAM CONNOLLY, *THE ETHOS OF PLURALIZATION* 42 (1995).

17. JUDITH SHKLAR, *THE FACES OF INJUSTICE* 94 (1990).

18. "Revenge is neither something which can be left behind in nature nor is it a transferrable right. Like Locke's state of nature, it [is] always with us . . ." Aladjem, *supra* note 5, at 36. Or as Connolly argues,

Punishment . . . exacts revenge on the past, and the past is not necessarily confined to the past acts of the one punished Revenge through law offers immediate gratification to the offended In crime and punishment two contending calls to revenge clash on the streets and in the courts, and each is refueled by the collisions between them.

CONNOLLY, *supra* note 16, at 48.

19. Martha Minow, *Memory and Hate: Are There Lessons from Around the World?*, Gilbane Lecture at Brown University (Oct. 19, 1999) (transcript on file with the *Indiana Law Journal*).

20. *Id.* at 24.

21. *Id.* at 23-24.

effort to marshal evidence about the "truth" of history to the slippery terrain on which individuals and groups invent traditions²² and record partisan versions of the past on the basis of which they seek to construct a new present.²³ "Memory," Pierre Nora writes,

is life, borne by living societies founded in its name. It remains in permanent evolution, open to the dialectic of remembering and forgetting, unconscious of its successive deformations, vulnerable to manipulation and appropriation. . . . History, on the other hand, is the reconstruction . . . of what is no longer. . . . History, because it is an intellectual and secular production, calls for analysis and criticism. . . . At the heart of history is a critical discourse that is antithetical to . . . memory.²⁴

Acts of commemoration are the very stuff of politics; in and through our political processes we decide who or what should be remembered or memorialized and in what ways.²⁵ As David Thelen argues, "[M]emory, private and individual as much as collective and cultural, is constructed, not reproduced. . . . [T]his construction is not made in isolation but in conversations with others that occur in the contexts of community, broader politics, and social dynamics."²⁶

In the present, as Nora reminds us, memory is "above all, archival. It relies entirely on the materiality of the trace, the immediacy of the recording, the visibility of the image Even as traditional memory disappears, we feel obliged assiduously to collect remains, testimonies, documents, images, speeches, any visible signs of what

22. See *THE INVENTION OF TRADITION* (Eric Hobsbawm & Terence Ranger eds., 1983).

23. On the distinction between history and memory, see JACQUES LEGOFF, *HISTORY AND MEMORY* (Steven Rendall & Elizabeth Claman trans., 1992).

24. Nora, *supra* note 4, at 8-9. But see Natalie Zemon Davis & Randolph Starn, *Introduction*, 26 *REPRESENTATIONS* 5 (1989) ("Rather than insisting on the opposition between memory and history . . . we want to emphasize their interdependence."). Or, as Burke argues, "Both history and memory are coming to appear increasingly problematic. Remembering the past and writing about it no longer seem the innocent activities they were once taken to be. Neither memories nor histories seem objective any longer. . . . In both cases . . . selection, interpretation and distortion is socially conditioned." Peter Burke, *History as Social Memory*, in *MEMORY: HISTORY, CULTURE AND THE MIND* 97-98 (Thomas Butler ed., 1989).

25. See John R. Gillis, *Memory and Identity: The History of a Relationship*, in *COMMEMORATIONS: THE POLITICS OF NATIONAL IDENTITY* 8 (John Gillis ed., 1994) (describing memory as being "born of . . . the conflicting representations of the past and the effort of each group to make its version the basis of national identity"); see also PAUL CONNERTON, *HOW SOCIETIES REMEMBER* (1989); MICHAEL KAMMEN, *MYSTIC CHORDS OF MEMORY: THE TRANSFORMATION OF TRADITION IN AMERICAN CULTURE* (1991); Barry Schwartz, *The Social Control of Commemoration: A Study in Collective Memory*, 61 *SOC. FORCES* 15 (1982); Nathan Wachtel, *Introduction: Memory and History*, 2 *HIST. & ANTHROPOLOGY* 218 (1986).

26. David Thelen, *Memory and American History*, 75 *J. AM. HIST.* 1119 (1989). Valverde notes that "memory is also always highly personal, partial, incomplete, shot through with subjectivity and desire [W]e do not simply see the past; we imagine it and feel it. Memories are . . . filled with powerful if ill-defined hopes and disappointments." Valverde, *supra* note 8, at 664.

has been."²⁷ Museums and monuments are today the locations of memory, the sites to which collective memory is attached. If that is indeed the case, one might ask whether tales of vengeance themselves might be one of what Nora calls *les lieux de memoire*.²⁸

Here our interest is directed to the temporal dimension of revenge, the way it stands in relation to the past, the present, and the future. Vengeance reenacts the past, both intentionally and unconsciously, and it is one means by which the present speaks to the future through acts of commemoration.²⁹

In this Article I want to take up Minow's call to explore the link between memory and vengeance. I explore different kinds of memories and their complex connections to revenge through a reading of Clint Eastwood's *Unforgiven*.³⁰ This 1992 film, a classic of the revenge genre, commemorates the film Western, with its story of the triumph of good over evil and of heroic men taming wild territory.³¹ But here commemoration is not celebration. *Unforgiven* is a classic in part because it complicates that story,³² surfacing repressed conflicts between the demands of heroic action and the aspirations of a revenge-based justice.³³ Indeed it might be more accurate to call it a classic anti-Western, antirevenge film.

Unforgiven provides an unusually thoughtful reflection on the complex connection of remembrance and revenge. It is a story about storytelling and the consequences of our stories for the lives we lead and the deeds we do. It puts storytelling itself on trial as it explores the way memories are constructed and the way they mold action, and it provides a commentary on the experience of film spectatorship itself, inviting its viewers to interrogate the pull of fantasy as against the claims of the real. It does this by contrasting "monumental" memory which glorifies violence, and direct, "realist" memory which seems to restrain it or at least strip it of its glory. *Unforgiven* praises realist memory and condemns monumental memory. In this film a past of purposeless violence is unforgiven. Injuries unredressed are unforgiven. But violent revenge to redress those injuries is also unforgiven. While we are called on to remember unforgivable injury, certain kinds of remembering and certain responses may be unforgivable.

27. Nora, *supra* note 4, at 13.

28. *See id.* at 12.

29. *See generally* COMMEMORATIONS: THE POLITICS OF NATIONAL IDENTITY, *supra* note 25.

30. UNFORGIVEN (Malpaso Productions/Warner Brothers 1992). The transcript of the film is available at <http://www.clinteastwood.net/filmography/unforgiven.txt> (last visited Oct. 25, 2001).

31. *See* M. Yacovar, *Re-membering the Western: Clint Eastwood's 'Unforgiven'*, 100 QUEEN'S Q. 247 (Spring 1993); *see also* L. Engel, *Rewriting Western Myths in Clint Eastwood's New-Old Western*, 29 W. AM. LITERATURE 261 (1994).

32. M.W. Blundell, *Western Values, or the People's Homer: 'Unforgiven' as a Reading of the 'Iliad'*, 18 POETICS TODAY 533 (1997).

33. Miller, *supra* note 11, at 183.

I. THE VOICE OF REMEMBRANCE AND THE URGE TO REVENGE: HEROIC TALES AND SIMPLE JUSTICE

Unforgiven tells the story of William Munny (played by Clint Eastwood).³⁴ Munny was once one of the West's most ruthless and feared men, but at the opening of the film he has retired from his life of violence and is a middle-aged, widowed father of two, trying without great success to make a go of it as a pig farmer. The drama of the film unfolds when a young cowboy, the Schofield Kid, appears at the farm and asks Munny to join him in his plan to collect a \$1000 reward. The reward, put up by a group of prostitutes, is an inducement for vengeance. It is offered to anyone who kills two men. Quick Mike, a hot-tempered brute, slashed Delilah, a prostitute who laughed when she saw his tiny penis. The other, Davey, was inadvertently involved in the slashing incident. The prostitutes post the reward when the town's sheriff, Little Bill, responds to the slashing by letting the cowboys go on the promise that they will compensate Skinny, the man who owns the saloon where the prostitutes work, for the income he will lose because of the injuries to Delilah. As Miller says about this part of *Unforgiven*, "[T]he slashed woman doesn't figure in Bill's compensatory scheme; he agrees with Skinny in seeing her as property, or at least not sufficiently individualized so as to have a compensable claim in her own right."³⁵

Delilah plays almost no role in the vengeance tale told in *Unforgiven*. Indeed she is virtually voiceless. She makes no claim; she neither asks for remedy, nor seeks to enlist others to speak or act on her behalf. Nonetheless the call for vengeance is heard. The voice of vengeance speaks through Alice, another prostitute who becomes Delilah's perhaps unwanted champion. As one of the prostitutes asks, "If Delilah doesn't care one way or the other, what are we getting all riled up about?"³⁶ This unanswered question is about the structure of vengeance itself and about who is authorized to speak the memory of injury.

When memory allies itself with vengeance, it is not always the victim who seeks the alliance. Instead the memory of injury is often marketed by moral entrepreneurs whose cause may not be identical to those on whose behalf they act.³⁷ The vengeance

34. For an interesting analysis of the names Will and Munny, see Thomas Dumm, *Unworking Death in "Unforgiven": Law, Ethos, Violence* 9, 10 (unpublished manuscript, on file with the *Indiana Law Journal*).

35. Miller, *supra* note 11, at 184.

36. *UNFORGIVEN* *supra* note 30.

37. Thus legal systems in the United States and Europe have been confronted by stern challenges in the name of victims' rights. See GEORGE FLETCHER, *WITH JUSTICE FOR SOME: VICTIMS' RIGHTS IN CRIMINAL TRIALS* (1995); see also LOIS FORER, *CRIMINALS AND VICTIMS* (1980). Here and abroad a movement has emerged which seeks to speak for victims.

Hard on the heels of the civil rights movement, the women's liberation movement, and the movement to expand the rights of criminal suspects, the victims' rights movement burst on the scene in the early 1970s and quickly became a potent political force. Part backlash against what it considered the prodefendant romanticism of the 1960s, the victims' rights movement was also a spiritual heir to the '60s ethos. With its suspicion of bureaucratic government and its concern for the disempowered, the victims' rights movement spoke for the "forgotten" men and women of the criminal justice system.

imagined by such people is portrayed as a call for simple justice or, in its most romantic sense, as full of emotion, demanding a proportional (or sometimes excessive) response to injury and, in so doing, righting a (historic) wrong. This romantic revenge allegedly is gratifying to those who witness it and brings glory to those who carry it out.

Throughout *Unforgiven* Alice speaks enthusiastically as the voice of this kind of vengeance. Immediately after Delilah is slashed, Alice asks, "You gonna hang them, Little Bill?"³⁸ And, when Bill seems inclined to whip them instead, Alice says, "A whipping? That's all they get after what they done."³⁹ Bill eventually settles on a scheme to compensate Skinny. In response Alice says, "You ain't even gonna whip them? . . . For what they done Skinny gets some ponies and that's it? It ain't fair."⁴⁰ Bill answers by asking, "Ain't you seen enough blood for one night?"⁴¹ Alice is denied the legal redress she seeks not only because she and the other prostitutes are chattel, but also because the law has been captured by its own community of interest from which she is excluded.⁴²



Alice with Little Bill

Stephen Schulhofer, *The Trouble with Trials: The Trouble with Us*, 105 YALE L. J. 825 (1995). The tendency of criminal justice systems in Western democracies is to displace the victim, to shut the door on those with the greatest interest in seeing justice done. In response, those who speak for victims are demanding that their voices be heard throughout the criminal justice process. David Roland, Progress in the Victim Reform Movement: No Longer the "Forgotten Victim," 17 PEPP. L. REV. 35 (1989). "Historically," Roland argues, "crime victims have been forgotten in the criminal justice system. The system, as it evolved, protected the rights of the accused with zeal, while ignoring the victim's plight." See *id.*

38. UNFORGIVEN *supra* note 30.

39. *Id.*

40. *Id.*

41. *Id.*

42. This point was suggested to me in a communication (May 4, 2001) from Richard Sherwin.

Here the basic structure of a revenge tale is put in place.⁴³ An injury is done and the law either does not respond or fails, from the perspective of the victim or those who call on law to remember her injuries, to respond adequately.⁴⁴ Yet we are reminded that vengeance does not speak in a precise calculus of pain returned for pain inflicted. Alice seeks death for the man who slashed Delilah's face and for his less-culpable companion. Is death proportional to the injury inflicted? Do Mike and Davey both deserve the same punishment?⁴⁵

The contrast between Delilah's silence and Alice's insistent appropriation of her cause is marked late in the film when the prostitutes learn that Davey has been shot by Munny and the Schofield Kid. "I didn't think they would really do it," Delilah remarks.⁴⁶ In contrast, Alice yells to a crowd of men in the street, "He had it coming for what he done! He had it coming and the other one too!"⁴⁷

But what is Alice's agenda? While some suggest that "[t]he women have interests that justify their vengefulness on behalf of Delilah,"⁴⁸ *Unforgiven* leaves its viewers unsure about why Alice believes that she can or should speak for Delilah. Is she like the Balkan leaders who, Ignatieff tells us, stirred up war by convincing "neighbors and friends that in reality they had been massacring each other since time immemorial" when history "has no such lesson to teach . . ."?⁴⁹ Is her call for vengeance based on a sympathetic identification with Delilah? Is she displacing her own anger and resentment toward all of those who "ride" her and the other prostitutes "like horses"?⁵⁰ Or, is she making a prudent investment in deterrence? Whatever her agenda she uses memory to fuel vengeance; she insists that without a full embrace of revenge the memory of injury cannot be placated.

There are two other figures in the film who use memory to stoke the violence that vengeance requires, but in neither case do they use their own memory. The first is the Schofield Kid. The Kid enlists Munny as his partner in responding to the prostitutes' call for vengeance because he has heard of Munny's youthful exploits from his Uncle Pete.

43. See KERRIGAN, *supra* note 3.

44. See generally Austin Sarat, *Vengeance, Victims, and the Identities of Law*, 6 SOC. & LEGAL STUD. 163 (1997).

45. Miller, *supra* note 11, at 184.

46. UNFORGIVEN, *supra* note 30.

47. *Id.*

48. *Id.* at 185.

49. "Consciousness of ethnic difference . . . only turned into nationalist chauvinism when a discredited Communist elite began manipulating nationalist emotions in order to cling to power." Michael Ignatieff, *The Balkan Tragedy*, N.Y. REV. BOOKS, May 13, 1993, at 3.

50. UNFORGIVEN, *supra* note 30.



The Schofield Kid

When he first encounters Munny, the latter is struggling in the pig pen on his farm. Witnessing this scene, the Kid says:

You don't look like no rootin'-tootin', son-of-a bitchin', cold-blooded assassin, . . . [someone] that shot Charlie Pepper up in Lake County. . . . You shot Charlie Pepper, didn't you. [And] you're the one who killed William Harvey who robbed that train over in Missouri. . . . Uncle Pete says that you were the meanest son of a bitch alive and that if I ever wanted a partner for a killing you were the worst one, . . . on account as you are cold as the snow. You don't have no weak nerve.⁵¹

Later he asks Will about another incident that his Uncle Pete has told him about, an incident that foretells the film's climactic shootout in Skinny's saloon. "Say Will," the Kid asks, "that business up in Jackson County, that really happen? . . . There was two deputies up close [to you. They] had you dead to rights. You pulled out your pistol and blew them both to hell. Uncle Pete says he ain't never seen nothing like it."⁵²

The Schofield Kid lives in a mythic world, a world of larger-than-life violent men and of victims avenged. He has been immersed in the fantasy world of romanticized violence and larger-than-life superheroes. Caught up in the spectacle, he is a stand-in for the typical viewer of Westerns. Indeed, his description of Munny—"[y]ou don't look like no rootin'-tootin', son-of-a-bitchin', cold-blooded assassin"⁵³—is a parody of the language of that genre. The Schofield Kid presents us with a figure of someone

51. *Id.*

52. *Id.*

53. *Id.*

who seems unable to disentangle the image from the world beyond the image.⁵⁴ He aspires to become an actor in his fantasy world, to become a heroic instrument of vengeance, and, in so doing, attain manhood.⁵⁵ He flees resignation (the resignation of an ordinary life) and uses history as a means against resignation.⁵⁶ Through the things he attributes to Munny he constructs what Nietzsche called "monumental" history.⁵⁷ He projects a will to power onto a world he does not yet know. His version of monumental history may itself be a simulacrum built on spectacle and legendary tales,⁵⁸ but whatever its source, he seeks "knowledge that the great thing existed and was therefore possible and so may be possible again. He is heartened on his way; for his doubt in weaker moments, whether his desire is not for the impossible is struck aside."⁵⁹ In most cases, however, no reward beckons him unless it be fame, that is, the expectation of a place of honor "in the temple of history."⁶⁰

When he first meets Munny, the Schofield Kid has not yet killed anyone. That the Schofield Kid is young and has difficulty seeing more than fifty yards perhaps foretells his fate. Thus, after his first and only killing, when fantasy and imagination confront the stark reality of death, the Kid dramatically renounces violence. Giving his gun to Munny, he says, "[K]eep it. I'm never going to use it again. I'm never going to kill no one, no more. I ain't like you Will. . . . I guess I'd rather be blind and ragged than dead."⁶¹

Memory stands as the Kid's tutor. This time, however, the memory is not monumental. This time it is his own remembrance of the stunned look of a man shot at close range in an outhouse. He learns the hard way that "true knowledge [is] . . . based in physical experience . . . [and that] words [the kind of stories told to him by his Uncle Pete)] . . . cannot express the truth about things."⁶² Here again the Schofield Kid acts as the film's idealized viewer, someone who comes to appreciate the difference between image and reality, someone who sees the virtue of the quotidian in comparison to the fantastic.⁶³

W. W. Beauchamp, dime novelist, biographer, and chronicler of the violent exploits of the old West is the Kid's cinematic double in *Unforgiven*. He is the marketer of heroic narratives, of glorious memories of the kind passed on from Uncle Pete to the Schofield Kid. Like the Kid, he makes narratives out of the memories of others, but unlike him, Beauchamp is neither young nor sightless. While the Kid needs something to aid his vision, the film repeatedly calls attention to Beauchamp's glasses. Whereas the Kid is young and full of bravado, Beauchamp is cynical and cowardly. While the Kid is in every sense of the word a naive amateur, Beauchamp

54. Communication from Richard Sherwin, *supra* note 42.

55. For the Schofield Kid, as for similar characters in other Westerns, "manhood can prove itself only through risking death." JANE TOMPKINS, *WEST OF EVERYTHING: THE INNER LIFE OF WESTERNS* 33 (1992).

56. NIETZSCHE, *supra* note 1, at 13.

57. *Id.*

58. Communication from Richard Sherwin, *supra* note 42.

59. NIETZSCHE, *supra* note 1, at 14.

60. *Id.* at 13.

61. *UNFORGIVEN*, *supra* note 30.

62. TOMPKINS, *supra* note 55, at 52-53 (emphasis in original).

63. Communication from Richard Sherwin, *supra* note 42.

is a professional, experienced in fashioning tall tales and heroic illusions. He knows what he is about. He is a maker of myths and memories, not a scribe. He makes memories of other people's memories, fashioning the kind of heroic tales that sustain vengeful violence by eliding the grim realities that vengeful violence produces.⁶⁴ As Miller observes, "The presence of Beauchamp makes the movie into something more than a revenge story. It also becomes an essay on competing heroic styles and the manner of heroic self-fashioning."⁶⁵

He is in the business of fashioning memory rather than recording history, glorifying and romanticizing violence, turning it into mass entertainment without noting its gruesome details. That Beauchamp has no stomach for the violence he chronicles is suggested in a scene early in the film when he loses control of his bladder as guns are drawn on him and English Bob (an English dandy who works for the railroad killing Chinese and speaks with disdain about the absence of a monarchical tradition on the frontier. "It is uncivilized shooting persons of substance,"⁶⁶ he says), and, later in the film, when Beauchamp dramatically overreacts to the sight of someone else's blood on his clothes.

Like the prostitutes who work in Skinny's establishment, the memories that Beauchamp crafts, and Beauchamp himself, are continuously in circulation.⁶⁷ They sell sex; he sells myths. In the film, we see him passed from English Bob to Little Bill, and after the death of the latter, he tries to cozy up to Munny, only to have his advances rejected.⁶⁸

Earlier, when Little Bill reads what Beauchamp has written in a pamphlet about English Bob entitled *The Duke of Death*, he mocks both the publication and its allegedly heroic subject, pointing out its exaggerated claims and inflated rhetoric. Beauchamp replies that it is "generally considered desirable in the publishing business to take a certain liberty [with the cover story]," even as he assures Bill that "the events described in the book are taken from the accounts of eyewitnesses."⁶⁹

64. See Carl Plantinga, *Spectacles of Death: Clint Eastwood and Violence in 'Unforgiven,'* 37 CINEMA J., Winter 1998 at 75-76.

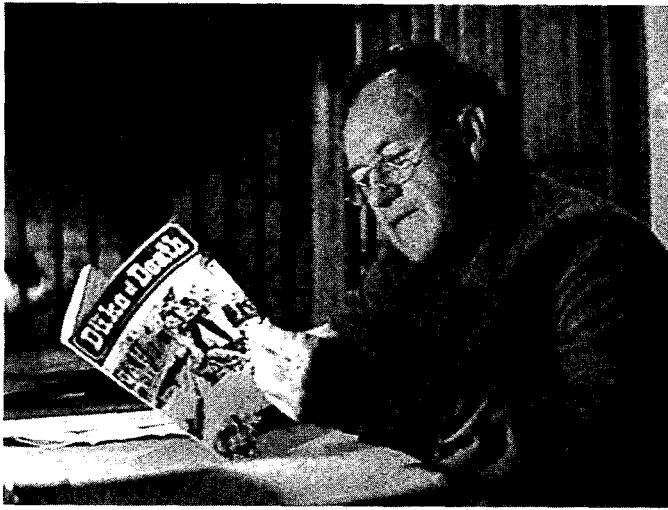
65. Miller, *supra* note 11, at 195.

66. UNFORGIVEN, *supra* note 30.

67. Munny, too, is a kind of prostitute, plying his death dealing trade in exchange for money. See Dumm, *supra* note 34, at 9, 10.

68. This trio—English Bob, Little Bill, and Munny—are the old order, now passing from the scene. The first is run out of town, the second is killed, the third disappears at the end of the film.

69. UNFORGIVEN, *supra* note 30.



Little Bill Reading the "Duke of Death"

When Bill announces that he was, in fact, an eyewitness, Beauchamp's pretense to accuracy quickly fades. He corrupts all by glorifying and romanticizing violence, turning it into "fiction, to pretense, and to collusion between the media and the subjects of its attention."⁷⁰

Unlike the Schofield Kid, Beauchamp is not repelled by violence. Indeed, in the presence of a good story, he seems not to notice it. Because of his blindness to the grim world of injury, pain, and death, he never renounces the heroic tales that he fabricates. He is *Unforgiven*'s representative of the movie Western before the fall, lost in a world of spectacle he helps to create. By juxtaposing the Schofield Kid and Beauchamp, the film asks its viewers to consider whether they too are so caught up in fantasy that they barely notice the carnage in the images they consume.

Through its characterization of Beauchamp, *Unforgiven* announces its suspicion of language and the translation of memory into story.⁷¹ Yet, the film also suggests that experience and action can never fully and finally triumph over language, that myth making and monumental memory may be, when all is said and done, uncontainable. Thus, at the end of the film we see Beauchamp watching from the shadows as Munny rides out of town, and are left to imagine Beauchamp's next liaison in the business of fashioning the myths that glorify and romanticize vengeance.

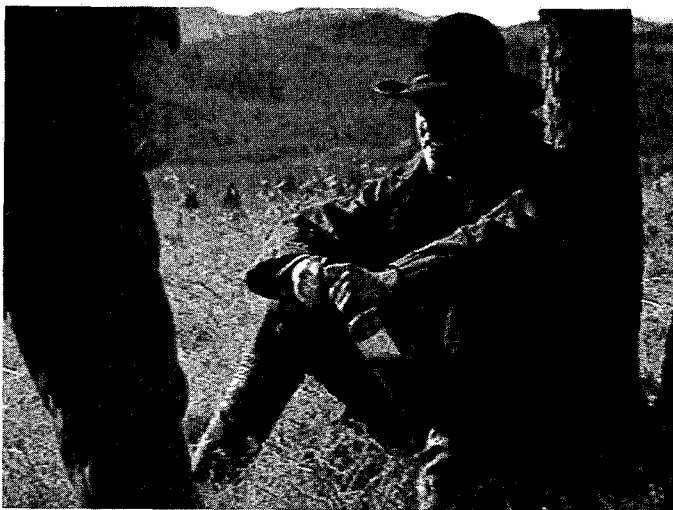
II. REMEMBERING DEATH, REMEMBERING THE DEAD: MEMORY AGAINST VENGEANCE

Neither Alice nor Beauchamp, as voices of memory, are able to work their own will

70. Miller, *supra* note 11, at 197.

71. As Tompkins puts it in describing this film genre, "Westerns distrust language. Time and again they set up situations whose message is that words are weak and misleading, only actions count; words are immaterial, only objects are real." TOMPKINS, *supra* note 55, at 49.

in the world. They are both dependent on others to undertake projects of vengeful violence. Nor can the Schofield Kid's fantasy version of monumental memory sustain a full-throated vengeance in its confrontation with the stark realities of violence. Munny is different. He uses memory, though memory of a different kind, to defeat or deflate the romance of revenge. He rejects Alice's seemingly unambiguous belief in the equation of injury and response, and, unlike the Schofield Kid and Beauchamp, he has seen through heroic myths and monumental history. He remembers the dead and death,⁷² weighing the call for revenge against its consequences in dreams ended, lives wasted, rotted corpses, and children left without parents.



Schofield Kid and William Munny

He is, as a result of those memories, at best ambivalent about vengeance, and he is unreservedly hostile to the myths and memories that romanticize it. This is highlighted in his initial reluctance to join the Schofield Kid. And, after he overcomes this reluctance, all he can muster is "I guess" when Delilah asks whether he is "really going to kill them cowboys."⁷³ Still later, in a scene played out under a tree reminiscent of the scene that opens the film, after the two cowboys have been killed, the Schofield Kid begins to come to terms with his own memories, his own understanding of what it means to kill. "It don't seem real," he says. "He ain't gonna never breathe again. He's dead. And the other one too. All on account of pulling a trigger."⁷⁴ Munny responds, "It's a hell of a thing killing another man. You take away

72. For a more complete exploration of this theme, see Dumm, *supra* note 34.

73. UNFORGIVEN, *supra* note 30.

74. The Schofield Kid is awakening from a dream-like relation to the real. His comments direct our attention to the relationship of film and a world so saturated by images that the world beyond the film "doesn't seem real." Communication from Richard Sherwin, *supra* note 42.

all he's got and all he's gonna have."⁷⁵

When the Kid tries to reassure himself by recalling the justifying logic of vengeance, "[Y]eah, well, I guess they had it coming," Munny says, "[W]e all have it coming."⁷⁶ While vengeance speaks about what people have coming, about injury and its deserved response, about the repayment of a "debt," in this play on words Munny emphasizes that death comes to everyone regardless of desert.⁷⁷ It is death as a biological transformation, the end of physical existence and of hope and possibility, rather than death as a matter of justice, that claims Munny's attention and, through him, ours.

Finally, by the time Munny himself has something more personal to avenge—namely the unjustified and brutal beating, killing, and disgrace of his friend Ned at the hands of Little Bill—viewers may have come to share Alice's perspective that Little Bill did not do justice in his original response to Delilah's injury, that this failure of law initiates a chain of action that leads to law's excess (Ned's killing), and that this excess demands a vengeful response. Yet, Munny undercuts this perspective.

He can muster neither Alice's enthusiasm for vengeance, her confident voice of remembrance, nor the heroic narrative imagination of the Schofield Kid or Beauchamp.⁷⁸ Thus, just before he kills Little Bill, Munny responds to his plea, "I don't deserve this, to die like this,"⁷⁹ by again rejecting the legitimating logic of revenge. "Deserve," Munny says, "got nothin' to do with it."⁸⁰ In spite of its suspicion of language, *Unforgiven* turns to language to deliver its critique of the heroic, romantic glorification of revenge and its equation with justice.⁸¹ Munny's "self-doubts about his life of violence, the fact that no one ever brought him to justice for his past evil deeds, makes him think the delivery of justice purely random, a matter of good or bad luck."⁸²

75. UNFORGIVEN, *supra* note 30.

76. *Id.*

77. As Dumm suggests, this is "the hard truth that may be acknowledged by the killer, a truth that cannot, however, be known." Dumm, *supra* note 34, at 11.

78. Miller notes what he calls "equivocations on the morality of revenge" even in the shootout in Skinny's saloon, where revenge seems most clearly justified. Miller, *supra* note 11, at 192.

79. UNFORGIVEN, *supra* note 30.

80. *Id.*

81. This critique of, and yet turn to, language is typical of Westerns. As Tompkins describes them, in these films

the next thing you know, someone is using language brilliantly, delivering an epigram so pithy and dense it might as well be a solid thing. In fact, Westerns go in for their own special brand of bon mot, seasoned with skepticism and fried to a turn. The product—chewy and tough—is recognizable anywhere. . . . The sayings all have one thing in common: they bring you down. . . . The sayings puncture big ideas and self-congratulation; delivered with perfect timing, they land like stones from a slingshot and make a satisfying thunk.

TOMPKINS, *supra* note 55, at 49-50.

82. Miller, *supra* note 11, at 195.



William Munny About to Shoot Little Bill

Memory fuels Alice's desire for vengeance and the Schofield Kid and Beauchamp's glorification of violence. But for Munny, memory disciplines the vengeful urge, even as it haunts and torments those who would be its agents.⁸³ His constant awareness and remembrance of the horror of death stands between him and enthusiasm for vengeance. His memories connect him to voiceless, decaying bodies. Those memories overtake him; they haunt him. They ensure that Munny is constantly aware of the fragility of life and the fact that little separates him from the unglorious prospect of death. The past "presses him [Munny] down and bows his shoulders; he travels with a dark invisible burden."⁸⁴

This difference is marked right from the start of the film in a scrolling narrative that runs as we watch a man digging a grave beside a lone standing tree. The narrative brands Munny a known thief and murderer, a man "of notoriously vicious and intemperate disposition,"⁸⁵ even as it eulogistically tells of the death of his wife, Claudia, a comely woman of 29, who died, so the narrative says, not, as her mother might have expected, at the hands of William Munny, but from smallpox. It is Claudia, we learn, who domesticated and tamed Munny, somewhat more completely, it seems, than he is able to domesticate and tame the animals on the farm he has been left to tend.

In Westerns, the figure of the wife provides a moral center opposed to frontier justice and acts as a brake (though a rarely successful one) on male violence. But, in *Unforgiven*, Claudia is an absent presence calling on Munny to remember the self she had helped him to (re)fashion. Both her presence and her absence are critical to the

83. Here, *Unforgiven* seems to be citing Shakespeare's *Hamlet*. See MARJORIE B. GARBER, *SHAKESPEARE'S GHOST WRITERS: LITERATURE AS UNCANNY CAUSALITY*, 147-53 (1987). Susan Sage Heinzelman suggested this association and this text.

84. NIETZSCHE, *supra* note 1, at 5.

85. *UNFORGIVEN supra* note 30.

film's understanding of memory.

Whereas Little Bill differentiates among the purposes of violence and those who perpetrate it, separating "tramps, loafers, and bad men"⁸⁶ from good men who make mistakes, and justifies his own "lawful" brutality by contrasting it with the violence of "assassins," Claudia memorializes the danger of violence no matter how "noble" the cause to which it is put.

Unforgiven, like other Westerns, is structured by

a set of oppositions. . . . There are two choices: either you can remain in a world of illusions . . . a world of fancy words and pretty actions . . . or you can face life as it really is—blood, death, a cold wind blowing, and a gun in the hand. These are the classic oppositions from which all Westerns derive their meaning: parlor versus mesa, East versus West, woman versus man, illusion versus truth, words versus things.⁸⁷

If Beauchamp anchors one side of this set of oppositions, Munny anchors the other. And it is remembrance that, in turn, anchors Munny, afflicting him, keeping him constantly in touch with what a life of violence does to life itself and with the real world of death. Throughout the film he is in dialogue with Claudia, seeking to reassure her that, even as he goes off to kill, he is no longer a killer. Claudia, it seems, is a specter, not a command.⁸⁸ Munny buries her both literally and figuratively in the film. Her voice is silenced; her meaning invoked by Munny both to condemn, but also to make possible, his return to killing.

Before joining the Schofield Kid, he visits her grave and tells his children that she liked the flowers he brought her. He tells them that their mother will be looking down on them as he rides off to join the Kid, whom he had previously told, "I ain't like that [a violent person] any more. . . . My wife, she cured me of that. Cured me of drink and wickedness."⁸⁹ In addition, Ned says, "If Claudia were alive, you wouldn't be doing this [going off to avenge the injured prostitute]." Later, Munny repeats to Ned what he had said to the Schofield Kid, "I ain't like that no more. Claudia, she straightened me out. . . . And just 'cause we're going on a killing, that don't mean I am going back to being the way I was."⁹⁰ When Ned and he discuss sex, Munny says, "Only woman who would like me is one you have to pay for. That ain't right, buying flesh. Claudia, God rest her soul, wouldn't want me doing something like that."⁹¹

In this film the prostitutes take over for the absent wife. Yet, because their relations with men are economic (more like relations among men than between men and their wives), they cannot play the role generally assigned to wives. Thus, it is not surprising that Alice's call for revenge finally exerts a greater pull on Munny than does the memory of Claudia. Alice pursues her desire for revenge precisely because

86. *Id.*

87. TOMPKINS, *supra* note 55, at 48.

88. On the importance of this distinction for our understanding of the connection of memory and justice, see Valverde, *supra* note 8, at 662.

89. UNFORGIVEN, *supra* note 30.

90. *Id.* Dumm provides an insightful reading of these denials. See Dumm, *supra* note 34, at 9, 10.

91. UNFORGIVEN *supra* note 30.

the law (Little Bill) pushes her aside as a man in any Western might push his wife aside, and as Munny himself ultimately pushes Claudia aside. The absence of the wife and the inadequacy, as well as the excessiveness, of law change the narrative possibilities in the film, leaving only Munny, with his history of violence, to stand in as the antiviolence figure.⁹²

What appears to discipline his violence is his living connection to the dead, but also memories that connect him to the grim realities of death itself. He is, in a sense, stuck between life and death, an interpreter of the existential reality of death to the living. His life and liminality exemplify Nietzsche's argument that "who[ever] cannot . . . [settle] on the threshold of the moment and forget the [whole] past . . . will never know what happiness is."⁹³

Perhaps this is why Munny constantly refuses the invitation to narrate,⁹⁴ to tell the Schofield Kid the truth about his exploits, a truth that is too painful to keep alive. Munny claims not to remember the violence he did, responding to the Kid's questions by saying, "I can't remember. I was drunk most of the time."⁹⁵ That his past is unnarrated and unnarratable is another of the film's antiromantic gestures. Munny's "killer within" seems not to act on reason or principle. Instead, alcohol is the key that releases his pent-up monster.⁹⁶ He denies the memory of his monstrous deeds so that he can live. But memory overcomes denial when, three times during the film, Munny does remember, conjuring up an image of death. His past returns, but only in dream like recollections.

Each of these recollections is shared with Ned, his longtime friend and companion. Each involves a horrible imagining of the fate that may await Munny. The first occurs when, sitting together in a darkness illuminated only by a campfire, he asks, "Ned, you remember that drover I shot through the mouth and his teeth came out the back of his head? I think about him now and again. He didn't do anything to deserve to get shot."⁹⁷ The second remembrance is linked to the nightmarish claim that Munny has seen someone who died long ago. Munny again asks Ned about someone that Munny had killed. "You remember Eagle Hendershot? I saw him." "Will," Ned replies, "he is dead." Undeterred, Munny insists, "I saw him, Ned. His head was all broke open, you could see inside of it."⁹⁸

92. Communication from Martha Umphrey.

93. NIETZSCHE, *supra* note 1, at 6.

94. For an analysis of this refusal, see Miller, *supra* note 11, at 197-98. Tompkins claims that this type of refusal to narrate is a demonstration of control. "The male," she says, "by remaining 'hermetic,' 'closed up,' maintains the integrity of the boundary that divides him from the world." See TOMPKINS, *supra* note 55, at 56.

95. UNFORGIVEN, *supra* note 30.

96. Communication from Richard Sherwin, *supra* note 42. That Munny drinks before he kills so he *can* kill suggests that alcohol is the only portal through which he can enter the Western's "heroic" frame, even if he enters in less-than-heroic fashion. In contrast, the Schofield Kid drinks only after he kills as he is renouncing violence. Alcohol provides a medium through which the Kid can reenter the "real" world.

97. UNFORGIVEN, *supra* note 30.

98. *Id.*



Ned Listening to William Munny

The third vision of death is less a remembering than a premonition brought on by a high fever that Munny experiences after having been beaten within an inch of his life by Little Bill. "I've seen death," Munny announces. "I've seen the angel of death. He's got snakes for eyes. . . . I saw Claudia too, all covered with worms. I'm scared I'm dying."⁹⁹ His remembrance of the dead is joined to his remembrance of death, producing a powerful fear that shapes Munny's response to the calls of a vengeful violence.

In each of these remembered images of death, what Munny sees is not the living survivor, but the corpse left behind. What he remembers is not the legend, but the twisted remains. In this focus on the ugly horror of death, *Unforgiven* departs from, and criticizes, the treatment of death in other Westerns where "death . . . is death under the aspect of nature, of beauty, and of some kind of spiritual transcendence."¹⁰⁰ There is neither beauty nor transcendence in Munny's memories. In addition, his memories are anything but monumental, anything but heroic. They are what Nietzsche called "critical."¹⁰¹ Such memories "bring the past to the bar of judgment, interrogate it remorselessly, and finally condemn it. . . . It is not justice that sits in judgment here . . . but only life, the dim, driving force that insatiably desires—*itself*."¹⁰²

The depth of Munny's hostility to heroic memory and monumental history is shown in his last interactions with its two primary representatives in *Unforgiven*, the Schofield Kid and Beauchamp. By the end of the film, the former has renounced the spectacle of heroic memory and monumental history in the name of life. This renunciation leads Munny to assure him, "You don't worry. I ain't going to kill you. You're the only friend I've got."

99. *Id.*

100. TOMPKINS, *supra* note 55, at 24.

101. NIETZSCHE, *supra* note 1, at 20.

102. *Id.* at 21.

That Munny's real enemies are those who create the kind of heroic memory and monumental history that fuels violence and glorifies vengeance is made clear after the climactic shootout in Skinny's. Beauchamp is in the saloon with Bill and others celebrating the capture of Ned when Munny appears. Emboldened by whiskey, he seeks out Little Bill and Skinny to avenge Ned's killing and the dishonoring of his body (Ned's body has been left in an open casket outside Skinny's saloon. The casket is decorated with a sign that says: "This is what happens to assassins around here.").¹⁰³ It is as if Munny has been reborn, or at least as if the "psychotic-killer-double-within" that Munny previously had so strenuously renounced has reappeared, a self apparently undivided in its embrace of vengeance.¹⁰⁴ The camera suggests that Munny has become an earlier, or perhaps different, self. His entrance is visually arresting; he is again the classic gunfighter, nerves of steel, shotgun at the ready. As Tompkins puts it, "at this juncture, the point where provocation has gone too far, retaliatory violence becomes not simply justifiable, but imperative: now, we are made to feel, *not* to transgress the interdict against violence would be the transgression."¹⁰⁵

The film now tempts and tests its viewers. Will we, even after Munny's earlier deflating admonitions to the Kid and his horrible memories of death, nonetheless again be drawn into the spectacle of the classic Western? Do we desire, and will we get pleasure from, yet, another movie shootout that *Unforgiven* is about to provide?

This shootout starts with little fanfare when Munny shoots Skinny. "Sir," Bill shouts, "you are a cowardly son of a bitch! You just shot an unarmed man!" "Well," Munny responds, "he should have armed himself if he was going to decorate this saloon with my friend."¹⁰⁶ Bill demands to know whether he is "one William Munny . . . who killed women and children." "That's right," Munny answers, now in the full glow of recollection, embracing the self he had previously renounced: "I've killed women and children and about everything that walks or crawls at one time or another. I'm here to kill you, Little Bill, for what you did to Ned."¹⁰⁷

Even as he takes revenge, no longer acting as the paid agent of another's anger but now acting for himself and his dead friend, Munny insists on debunking its heroic pretensions, linking vengeance to killing "women," "children," and "everything that walks or crawls." At this point, the camera pans to Beauchamp's face with its wide-eyed look, as if the narrator of other's memories will now become an eyewitness to history. What follows is exactly the kind of action out of which Beauchamp makes legends, as Munny kills five men single-handedly. And when Beauchamp crawls out from under a body that has fallen on him, he displays no interest in the horror of the carnage around him. Unlike the Schofield Kid, he is truly blind. Unlike Munny, he is connected to neither the dead nor death itself.

Instead, he tries to substitute Munny for English Bob and Little Bill, wanting him to become a character whose heroic persona he can fashion. "Who did you kill first?" he asks. "I was lucky in the order," Munny replies as if debunking his own larger-

103. *UNFORGIVEN*, *supra* note 30.

104. Communication from Richard Sherwin, *supra* note 42.

105. *TOMPKINS*, *supra* note 55, at 228 (emphasis in original).

106. *UNFORGIVEN*, *supra* note 30.

107. *Id.*

than-life agency. "I've always been lucky when it comes to killing folks."¹⁰⁸



Beauchamp and William Munny

When Beauchamp, licking his lips, eager for the full story, persists and asks, "[W]ho was next?" Munny answers in a menacing tone, "[A]ll I can tell you is who is going to be last." In contrast to his assurance to the Schofield Kid, this scene ends with an ill-disguised threat to kill the author, the myth maker, before he can ply his fantasy-inducing, death-doing trade again.

Vengeance is done, but it is neither the justice-doing, desert-oriented vengeance that Alice seeks, nor the glorified, heroism-inspired violence that the Schofield Kid initially imagines and that Beauchamp markets. Vengeance is done, but unheroically, by someone who has long ago abandoned the idea that there can be either honor or glory in the taking of human life. Munny is drawn to it reluctantly, regretfully, with a full acknowledgment of the way acts of vengeance sanctify, but also dishonor, those in whose names vengeance is taken as well as those who take revenge. Memory speaks in order to remind both Munny and the film's viewers that those who wield the violence of vengeance are like those whose unjust acts call it forth: unforgiven.

CONCLUSION

Vengeance, I have argued, depends on memory, but not all memory serves vengeance equally or supports the same kind of vengeance. *Unforgiven* tells the story of remembrance and revenge by seeking to separate the image from the world beyond the image. In this narrative it is only the reality principle, the memory of direct experience, that restrains or alters vengeance, turning the quest for glory into misery, the quest for justice into a horrifying confrontation with death and dying. On the other hand, monumental memory, or its simulacrum, incites vengeance and romanticizes it.

108. *Id.*

This film suggests that only by remaining in contact with the grim realities of death can the violence of vengeance be left behind, or if not left behind, then at least taken off its pedestal.

Another way of understanding the distinction between monumental and realist memory on which *Unforgiven* relies would be to suggest that the former is steeped in the literary and political work of memorialization, while the latter comes fairly close to a kind of "history." It emphasizes facticity and is antiromantic and antiheroic. Garber, in her work on *Hamlet*, captures this distinction by noting the difference between two Hegelian terms for memory, "Erinnerung" and "Gedachtnis."¹⁰⁹ The former, Garber says, is a "recollection," a kind of "inner gathering and preserving of experience," which is active and creative; the latter "memory" is a "learning by rote of names, or of words considered as names, and it can therefore not be separated from the notation, the inscription, or the writing down of those names."¹¹⁰ In Garber's discussion of *Hamlet*, she notes that Hamlet's absorption with the active, creative work of recollection is disrupted by his encounter with the ghost. This collision between two kinds of memory—one that allows for nostalgia and glorification, and one that insists on the relationship between what is remembered and the world—is precisely what *Unforgiven* portrays.¹¹¹

But, perhaps the dichotomy between the realist, antinarrative posture of *Unforgiven*'s taciturn leading man and the mythic imagination of the Schofield Kid, or the crassly constructed monumental histories of Beauchamp, may be neither as clear nor as determinate in its implications for the politics of revenge as the film makes it out to be. In the end, violence is done, more bodies are rendered lifeless, more corpses are left to decay, more ghosts are left to haunt memory. And, at the conclusion of the film, Munny has disappeared, abandoning yet again his life, in search of a new frontier.

Left behind are images of the compelling power of revenge, albeit a less-than-glorious, less-than-glamorized revenge, a power so great it overcomes both Claudia's handiwork (the new life she fashioned for Munny) and the horrors of Munny's own remembrance. And what, do we imagine, is the fate of the Schofield Kid? Is his renunciation of violence final, or will he again be seduced by the saturation presence of image, fantasy, and spectacle? Is there a monster within him awaiting another opportunity to awaken? Moreover, how significant is the shift from monumental to realist memory in diminishing the incidence of vengeful violence? Is there an escape from the world of images in which we are currently entrapped? What is the relation between violent images and violent deeds? *Unforgiven* leaves these questions unanswered.

Nonetheless, this film makes an important statement about the ways in which memory speaks and about the complex connections between remembrance and revenge. This film gives testimony to the power and consequences of the stories we tell about violence and vengeance, as well as to the power and consequences of the ways we remember. It invites its viewers to take up the task of reimagining the terms on which we memorialize injury and injustice and asks us to remember that vengeful

109. GARBER, *supra* note 83, at 148.

110. *Id.* at 149.

111. This comparison was brought to my attention by Susan Sage Heinzelman.

violence is always poised precariously between this world's call to do justice and the shrug of indifference that may await us in the next.

